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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,730	01/07/2004	Douglas F. Taylor	I-37087	4743
43935	7590	08/05/2004	EXAMINER	
FRASER MARTIN BUCHANAN MILLER LLC 132C WEST SECOND STREET PERRYSBURG, OH 43551-1401			TRUONG, THANH K	
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 08/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/752,730	TAYLOR, DOUGLAS F.
	Examiner	Art Unit
	Thanh K Truong	3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 January 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

Different reference numbers for the same part: "profile wheel 22" (page 5, line 1) and "profile wheel 24" (page 8, line 22).

Same reference number for different parts: "control rod 30" (page 5, line 9) and "actuating rock 30" (page 9, line 15).

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over P. J. Boucher (1,452,410) in view of Standley (4,075,820).

Boucher discloses an apparatus comprising:

a support 48-50 for the container 3 wherein the container is supported thereon with the finish of the container extending in a direction away from the support; a chuck body 52 for holding a closure for application to the finish of the container, the chuck body including a closure retaining cavity (the area under the cap holder 51) wherein a portion of the closure extends beyond the cavity (figure 3);

means 57 for effecting movement of the chuck body toward and away from the support to enable the chuck body and a closure to be positioned on the finish of a container disposed on the support;

closure roller forming tooling 38 mounted for selective movement to contact the portion of the closure extending beyond the cavity of the chuck body; and

means 16-18 for effecting relative rotation of the support and the chuck body to permit the closure roller forming tooling to crimp the closure into intimate sealing relation with the finish of the container.

Boucher discloses the claimed invention, except for an associated opening in the chuck body.

Standley discloses an apparatus comprising a chuck 13 that has an associated opening 65 to accommodate the fitment 73 of the closure 51 (figures 3 and 5).

Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to modify the chuck in Boucher's apparatus by incorporating the chuck with an associated opening as taught by Standley for the accommodation of the fitment on the cap (column 3, lines 44-46).

The modified Boucher (and Standley) further disclose: the container's support includes a rotatable plate 48; the chuck body is cylindrical in shape; the chuck body is provided with a hollow interior portion and includes means to militate against movement of the closure (Boucher, figures 2 & 3) and fitment (Standley, figures 3 and 5); the closure and fitment includes an inwardly extending shoulder (Standley, figure 2); the associated opening in the form of a slot; the slot extends parallel with the longitudinal

axis of the chuck body; and the slot is provided an opening to guide the reception of the fitment of the closure into the slot (Standley, figures 3 and 5).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh K Truong whose telephone number is (703) 605-0423. The examiner can normally be reached on Mon-Thurs from 8:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on (703) 308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



tkt
July 29, 2004.

EUGENE KIM
PRIMARY EXAMINER